

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
CENTRAL DIVISION**

JOHN C. SKINNER, Register No. 1069523,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 07-4008-CV-C-SOW
	)	
JAY CASSADY,	)	
	)	
Defendant.	)	

**ORDER**

On December 4, 2007, United States Magistrate Judge William A. Knox recommended that defendants' motion to dismiss for failure to exhaust administrative remedies be denied. The parties were advised they could file written exceptions to the recommendation, pursuant to 28 U.S.C. § 636(b)(1)(C).

A de novo review of the record, including the exceptions filed by defendant on December 20, 2007, and the response filed by plaintiff on January 2, 2008, convinces the court that the recommendation of the Magistrate Judge is correct and should be adopted. Plaintiff is to be given the benefit of the doubt on this one occasion.

IT IS, THEREFORE, ORDERED that the Report and Recommendation of December 4, 2007, is adopted. [39] It is further

ORDERED that defendant's motion of April 30, 2007, to dismiss is denied. [18]

/s/Scott O. Wright  
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SCOTT O. WRIGHT  
Senior United States District Judge

Dated: March 5, 2008